

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DARLENE SMITH,

Plaintiff,

v.

WYNFIELD DEVELOPMENT CO.,
INC., et al.,

Defendants.

CIVIL ACTION FILE
NO. 1:04-CV-1875-TWT

ORDER

This is an employment discrimination and FLSA action. It is before the Court on the Report and Recommendation [Doc. 118] of the Magistrate Judge recommending granting in part and denying in party the Plaintiff's Motion for Summary Judgment [Doc. 77] and granting in part and denying in part the Defendants' Motion for Summary Judgment [Doc. 85]. After careful consideration of the Objections of the parties, the Court approves and adopts the Report and Recommendation as the judgment of the Court. The Magistrate Judge correctly concluded that the Plaintiff had not established a genuine issue of fact for trial as to her disability claim but that she had done so with respect to her age discrimination claim. The latter claim as well as the amount of damages, if any, on her FLSA claim

will go forward for trial. The Defendants have 10 days from the docketing of this Order to file a Motion for Summary Judgment based upon res judicata.

SO ORDERED, this 23 day of August, 2006.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge